

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

RANDALL KIRK,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:07-cv-0957-WKW
)	
STATE FARM FIRE AND)	
CASUALTY COMPANY, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This case is before the court on the plaintiff's Motion to Remand. (Doc. # 7.) This suit was removed from state court on the basis of diversity jurisdiction. However, the plaintiff and one of the defendants are residents of Alabama and the defendants have not met their burden of proving the joinder, or misjoinder, of the resident defendant was fraudulent. *Cabalceta v. Standard Fruit Co.*, 883 F.2d 1553, 1561 (11th Cir. 1989); *Tapscott v. MS Dealer Serv. Corp.*, 77 F.3d 1353, 1360 (11th Cir. 1996). Because the defendants have not met their burden of establishing federal jurisdiction, it is ORDERED that:

1. Plaintiff's Motion to Remand (Doc. # 7) is GRANTED;
2. This case is REMANDED to the Circuit Court of Chambers County, Alabama; and
3. The Clerk of the Court is DIRECTED to take appropriate steps to effect the remand.

DONE this 20th day of November, 2007.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE